MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY
DRINKING WATER STATE REVOLVING FUND (SRF)
SFY 2004 INTENDED USE PLAN

INTRODUCTION

The 1995 Montana Legislature created the drinking water revolving fund with the passage of HB493. In 1997, the Legislature amended the program with HB483 to make Montana law consistent with the reauthorization of the Safe Drinking Water Act passed in 1996. This legislation, now codified as MCA 75-6-201, et seq., authorizes the Department of Environmental Quality (DEQ) and the Department of Natural Resources and Conservation (DNRC) to develop and implement the program, and it established the Drinking Water SRF Advisory Committee.

The Advisory Committee consists of one state representative, one state senator, one member representing the Montana League of Cities and Towns, one county commissioner representing the Montana Association of Counties, one representative from DNRC and one representative from DEQ. The Committee advises DEQ and DNRC on policy decisions that arise in developing and implementing the Drinking Water SRF, and it reviews the program's Intended Use Plan (IUP). The Drinking Water SRF is administered by DEQ and DNRC and is similar to the Water Pollution Control SRF.

The Drinking Water SRF Program received EPA approval and was awarded its first (FY 1997) capitalization grant on June 30, 1998. The FY 1998, 1999, 2000, 2001 and 2002 capitalization grants have subsequently been awarded. The program offers below-market loans for construction of public health-related infrastructure improvements as well as provides funding for other activities related to public health and compliance with the Safe Drinking Water Act (SDWA). These other activities, or set-asides, include administration of the Drinking Water SRF program, technical assistance to small communities, as well as financial and managerial assistance, source water assessment and delineation, operator certification and assistance with administration of activities in the Public Water Supply Program (PWSP).

As the primacy agency responsible for implementation of the SWDA, DEQ is also responsible for the oversight of the SRF Program. This role consists primarily of providing technical expertise, while DNRC provides financial administration of project loans and oversees the sale of state G.O. bonds. The majority of the funds for this program come to Montana in the form of capitalization grants through the U.S. Environmental Protection Agency. Montana provides the required twenty- percent matching funds by issuing state general obligation bonds. Interest on the project loans is used to pay the general obligation bonds, thus using no state general funds to operate the program. The repaid principal on the project loans is used to rebuild the Drinking Water SRF fund and to fund additional projects in the future. The federal capitalization grants are currently only authorized through federal fiscal year 2003; however, federal and state law requires the Drinking Water SRF to be operated in perpetuity.

The 1996 Amendments to SDWA include requirements for each state to prepare an annual Intended Use Plan (IUP) for each capitalization grant application. This is the central component of the capitalization grant application, and describes how the state will use the Drinking Water SRF to meet SDWA objectives and further the protection of public health. The IUP contains the following elements:

1. Priority list of projects, including description and size of community.
2. Criteria and method used for distribution of funds.
3. Description of the financial status of the Drinking Water SRF Program.
4. Short- and long-term goals of the Program.
5. Amounts transferred between the Drinking Water SRF and the Wastewater SRF.
6. Description of the set-aside activities and percentage of funds, that will be used from the Drinking Water SRF capitalization grant, including Drinking Water SRF administrative expenses allowance, PWSP support, technical assistance, etc.
7. Description of how the program will define a disadvantaged system and the amount of Drinking Water SRF funds that will be used for this type of loan assistance.

As required, DEQ has prepared this IUP and is providing it to the public for review and comment prior to submitting it to EPA as part of its capitalization grant application. Additionally, pursuant to state law, after public comment and review, DEQ will submit the IUP and a summary of public comment to the Advisory Committee for review, comment and recommendations.

PRIORITY LIST OF PROJECTS

To update its comprehensive project list, DEQ has previously sent surveys to all community and non-profit noncommunity water systems in Montana. Approximately 870 public water supplies have been contacted. DEQ and DNRC staff also confer with many of these systems on an on-going basis in an attempt to build as current of a comprehensive list as possible.

Systems that are in significant non-compliance with regulatory requirements must adopt a plan for returning to compliance as part of their Drinking Water SRF funding proposal (if the proposal does not intrinsically address this concern). Projects that primarily expand system capacity or enhance fire protection capabilities may not be eligible for funding unless public health or compliance issues also are addressed by the project.

Appendix 1 contains a comprehensive list of public water systems in Montana that have expressed interest in the Drinking Water SRF, that are planning capital improvement projects, or that have been identified as serious public health risks by DEQ. It is not anticipated that all of the projects in Appendix 1 will use SRF funds. Some systems do not have major projects planned, the remainder expect to be proceeding with projects within the next several years. Cost information is not always available, as some systems had not yet completed the financing plans for their projects at the time the project list was developed.

Eligible Systems

The Safe Drinking Water Act (SDWA) allows DWSRF assistance to publicly and privately owned community water systems and nonprofit non-community water systems other than systems owned by Federal agencies. Federal Regulations also set forth certain circumstances under which systems that will become community water systems upon completion of a project may be eligible for assistance. The SDWA requires that loan recipients must demonstrate the technical, financial and managerial capacity (TFM) to comply with the SDWA and not be in significant noncompliance with any requirement of a national primary drinking water standard or variance. The DEQ and DNRC will assess TFM and compliance in accordance with Chapter One of the Handbook of Procedures after loan applications have been received. Those systems lacking in TFM or compliance may still be eligible for a loan if the loan will address the non-compliance, or the system agrees to undertake feasible and appropriate changes in

operations, which may include changes in ownership, management, accounting, rates, maintenance, consolidation, alternative water supply or other procedures as an enforceable term of the loan agreement or pursuant to an enforceable Administrative or Court Order. (Please also see discussion of Capacity Development on page 12.)

Limitations on individual project financing

DEQ, DNRC and the Drinking Water SRF Advisory Committee have previously discussed at length whether to attempt to limit the total amount of loans available to any one project and if so, how. The Committee determined that should the actual demand for funds during the period of time covered by an intended use plan exceed the funds available for that same period, then the maximum amount of loan funds available to any one project could not exceed either $5 million or 50 percent of the total capitalization grant amount for that period. Actual demand will not be known until applications are received from those projects ready to proceed within the timeframe of a particular capitalization grant. At that point, DEQ and DNRC, in consultation with the Advisory Committee, will determine whether the limit on individual projects would be applied in that round. To date, no limitations have been placed on the amount of the loan applications.

ANTICIPATED FUNDING LIST

DEQ became eligible to apply for the Fiscal Year 2003 federal capitalization grant on October 1, 2003, and has applied for the portion of this grant that will be used for set-aside activities (see pg. 9). It is anticipated that DEQ will apply for the loan fund portion of this grant toward the end of SFY 04, or possibly later.

The following list contains those projects that the Drinking Water SRF program anticipates will be funded with the FFY03 and previous capitalization grants, in conjunction with the 20 percent state match. This list represents those projects most likely to proceed, starting from the highest ranked projects on the comprehensive priority list (see discussion of ranking criteria in Appendix 2). It is possible that, if other projects are ready to proceed before those on this list, the actual projects that are ultimately funded may vary from those indicated on this list. This did occur during calendar years 1998, 1999, 2000, ~~and~~ 2001, and 2002. It is expected to happen again due to the high variability in project schedules, needs, other funding sources, etc.

1. Dry Prairie Reg. Water System	Population: 35,551. Total project cost: $ 193,000,000. Expected SRF portion: $8,000,000 . Anticipate partial costs beginning in SFY 03. Project consists of a new surface water treatment plant and extensive distribution system improvements.
2. Conrad	Population: 3000. Project cost: $1,191,300. Continuation of overall improvements to the system. This phase consists of a new intake to the water treatment plant.
3. Gardiner WSD	Population: approx. 500. Total project cost: approx. $1,963,200. SRF portion: approx. $774,000. Arsenic removal treatment.
4. Big Sky WSD	Population: 1221. Project cost: $2,500,000. Wells, storage, and distribution system improvements.

5. Hamilton	Population: 3705. Project cost: $615,000. New storage reservoir and distribution system improvements.
6. Power- Teton Co.W&S Dist.	Population:167. Project cost: $203,500. Surface water treatment plant improvements.
7. Lockwood W&SD	Population: 5400. Total project cost: $1,478,828. Expected SRF portion: $643,828. Project consists of adding a sedimentation basin to the water treatment plant.
8. DNRC	Funding of privately owned public water system improvements. Estimated project costs: $1,000,000 , to include various treatment works, transmission main, and distribution system improvements.
9. Hardin	Population: 3384. Project cost: $500,000. Refinance existing debt on water system.

CRITERIA AND METHOD USED FOR DISTRIBUTION OF FUNDS

The Safe Drinking Water Act amendments of 1986 and 1996 imposed many new regulatory requirements upon public water suppliers. Public health and compliance problems related to these requirements, affordability, consolidation of two or more systems, and readiness to proceed all were considered in developing Montana's project ranking criteria.

DEQ initially proposed balancing these factors, with slightly more emphasis placed on health and compliance and less on affordability and readiness to proceed. In discussions with EPA and with our state's Drinking Water SRF Advisory Committee, it became clear that health risks and compliance issues needed to be given even more emphasis, and that readiness to proceed could be eliminated and handled through by-pass procedures.

Projects that address acute risks that are an immediate threat to public health, such as inadequately treated surface water, are given high scores. Proposals that would address lower risk public health threats, such as chemical contaminants present at low levels, are ranked slightly lower. Proposals that are intended to address existing or future regulatory requirements before noncompliance occurs also were given credit, are ranked lower than projects with significant health risks.

The financial impact of the proposed project on the system users are considered as one of the ranking criteria. The communities most in need of low interest loans to fund the project are awarded points under the affordability criterion (see Appendix 2).

In addition to the limitations on financing for individual projects discussed earlier in this plan, DEQ is required annually to use at least 15 percent of all funds credited to Drinking Water SRF account to provide loan assistance to systems serving fewer than 10,000 people, to the extent there are a sufficient number of eligible projects to fund.

A summary of the ranking criteria and scoring is listed below. The complete set of scoring criteria is attached to this plan as Appendix 2.

SUMMARY OF RANKING CRITERIA FOR DRINKING WATER SRF PRIORITY LIST

1. Documented health risks
   a. Acute health risks - 120 points maximum
   b. Non-acute health risks - 60 points maximum

2. Proactive compliance measures - 50 points maximum

3. Potential health risks
   a. Microbiological health risks - 25 points maximum
   b. Nitrate or nitrite detects - 25 points
   c. Chemical contaminant health risks - 20 points maximum

4. Construction of a regional public water supply that would serve two or more existing public water supplies - 20 points

5. Affordability - 20 points maximum

FINANCIAL STATUS

The discussion and table on the following pages summarize the DWSRF expenditures to date and outline financial projections and assumptions for the future. The narrative addresses the project loan fund and the table summarizes the set-aside or non-project activities. The individual capitalization grants and corresponding state match for each fiscal year are listed below.

FFY	Federal Grant	State Match
1997	$14,826,200	$2,965,240
1998	$7,121,300	$1,424,260
1999	$7,463,800	$1,492,760
2000	$7,757,000	$1,551,400
2001	$7,789,100	$1,557,820
2002	$8,052,500	$1,610,500
2003	$8,004,100	$1,600,820
TOTAL	$61,014,000	$12,202,800

USES OF THE DRINKING WATER REVOLVING FUND

The DWSRF may be used to:

1. Provide low interest loans to municipalities for cost-effective drinking water treatment systems, source developments and improvements, finished water storage, and distribution system improvements. The low interest loans can be made for up to 100 percent of the

total project cost. At the beginning of FY04 approximately $52.6 million in loans have been made to communities in Montana. Each of these loans has had a total loan interest rate of 4% or less. Program interest rates will be evaluated and set annually;

2. Refinance qualifying debt obligations for drinking water facilities if the debt was incurred and construction initiated after July 1, 1993. At the beginning of FY04 approximately $7.4 million of debt has been refinanced through this program;

3. Guarantee or purchase insurance for local debt obligations. At the beginning of FY04 no loans have been made for this purpose;

4. Provide a source of revenue or security for general obligation bonds, the proceeds of which are deposited in the revolving fund. At the beginning of FY04 $960,885 has been provided for this purpose. There is a 1% loan loss reserve surcharge included as part of the 3.75% interest rate for loans not qualifying for a hardship. The use of the surcharge is to pay principal and interest on state G.O. Bonds if the Debt Service Account is insufficient to make payments. This is to secure $10.9 million in State General Obligation Bonds. The excess over the required reserve was transferred to the principle account to make loans;

5. Provide loan guarantees for similar revolving funds established by municipalities. At the beginning of FY04 no loans have been made for this purpose;

6. Earn interest on program fund accounts; at the beginning of FY04 our cash flow demonstrates this program will continue to be a strong source of loan funds once the federal grants are terminated. Interest income to date can be used to pay off program G.O. Bond debt. The projected interest of $734,761 in FY04 will be used to pay debt or make loans in the program;

7. Pay reasonable administrative costs of the DWSRF program not to exceed four (4) percent (or the maximum amount allowed under the federal act) of all federal grants awarded to the fund. In addition to using DWSRF funds for administration, each loan has an administrative fee included in the principal and an administrative surcharge included in the 3.75% interest rate charged to borrow. The fee is 0.575% and the surcharge is 0.75%. The reserve generated from this fee and surcharge, will be used for DWSRF administration costs not covered by the EPA grants after capitalization grants cease and pay for administration of recycled projects. At the beginning of FY04, there was approximately $1.1 million available for this purpose. Capitalization grants are approved by Congress every year and proposed reauthorizing legislation is currently projecting DWSRF funding through FFY08. There is also a one (1) percent loan origination fee charged at loan closing, which is included in the figure above. If needed, these administrative funds could be transferred to the principle account and used to make loans.

STATE DWSRF SET-ASIDE AND OUTSIDE THE FUND FEE ACTIVITY

Set-Aside	Thru 2002 Grant	Expended Thru SFY 03 (Projected)	Balance Available	Planned SFY 04	03 Grant Set-aside	Reserved Authority (year)	Reserved in 03 Grant Applic	Total Reserved
4% Administration	2,120,396	2,005,000	115,396	435,560	320,164			0
10% State Program								
PWS Supervision	980,270				395,000	155,000 ('01)		155,000
		711,705						
Source Water Protection	455,000				100,000			0
		376,269	78,731	120,000				
Capacity Development	220,000	75,000	145,000	100,000			50,000	50,000
		135,000	85,000	85,000				
Operator Certification	355,000	313,337	122,818	70,000	90,000	70,000 ('01)		70,000
2% Small System Tech. Asst.	588,226	530,055	58,171	130,000	125,000	155,140 ('00) 155,782 ('01)		310,280
15% Local Assistance								
Loan Assistance for SWP*								
Capacity Development								
Source Water Assessment	1,482,620	1,032,620	450,000	290,000	1,032,620			
Wellhead Protection								
Totals	**6,201,512**				1,030,164	**535,280**	**50,000**	**585,280**
Fees Outside The Fund	730,000	50,000	680,000	225,000				
Interest on Fees Outside Fund	50,000	0	50,000	10,000				
Total Fees and Interest	780,000	50,000	730,000	235,000				

* The SDWA only allowed funds for this activity to be set aside one time from the initial FFY97 capitalization grant. Montana elected to set aside the maximum allowable amount of $1,482,620 (10%)

A more detailed description of set-asides may be found later in this plan. Any unused administrative funds will be banked, i.e., placed in an account and used for administration in future years, after federal capitalization grants are no longer available and the program must rely solely on revolving funds.

Currently, federal capitalization grants are authorized only through FFY03. However, draft legislation that would reauthorize funds is being proposed and considered by Congress. When capitalization grants are no longer available, the program is expected to be capitalized and to operate on its own revenue.

One option available to states is to use the federal funds to leverage additional state bond funds. This makes available more money to meet high demands, but it increases the financing costs and thus the loan rate charged to communities and districts. DEQ and DNRC still do not recommend using the program in this manner at this time, and do not currently foresee changing to a leveraged approach. The two departments previously explained the leveraging option to the Advisory Committee and to the people attending the 1997 public hearings, along with their recommendation not to pursue leveraging. The advisory committee concurred, and general agreement with this recommendation was expressed at each hearing.

LONG-TERM GOALS

1. To build and maintain a permanent, self-sustaining state revolving fund program that will serve as a cost-effective, convenient source of financing for drinking water projects in Montana.

2. To provide a financing and technical assistance program to help public water supplies achieve and maintain compliance with federal and state drinking water laws and standards for the protection and enhancement of Montana's public drinking water.

SHORT-TERM GOALS

1. To continue implementation and maintain the Drinking Water State Revolving Fund Program in Montana.

2. To ensure the technical integrity of Drinking Water SRF projects through the review of planning, design plans and specifications, and construction activities.

3. To ensure the financial integrity of the Drinking Water SRF program through the review of the financial impacts of the set-asides and disadvantaged subsidies and individual loan applications and the ability for repayment.

4. To ensure compliance with all pertinent federal, state, and local safe drinking water rules and regulations; and

5. To obtain maximum capitalization of the funds for the state in the shortest time possible while taking advantage of the provisions for disadvantaged communities and supporting the set-aside activities not directly related to the loan portfolio.

TRANSFER OF FUNDS BETWEEN THE DRINKING WATER AND CLEAN WATER SRFS

At the Governor's discretion, a state may transfer up to 33 percent of the Drinking Water SRF capitalization grant to the Clean Water SRF or an equal amount from the Clean Water SRF to the Drinking Water SRF. Transfers could not occur until at least one year after receipt of the first capitalization grant, which was June 30, 1999. DEQ did transfer the maximum amount allowable under the FY 1997 capitalization grant ($4,892,646) from the Clean Water SRF to the Drinking Water SRF at that time. These were "recycled" funds, or funds that consisted of principal repayments from previous loans for wastewater projects. These funds were used to finance seven drinking water projects, utilizing almost all of the transferred amount. Likewise, the maximum amounts for the FY 1998 and 1999 Capitalization Grants ($2,350,029 and $2,463,054, respectively) were transferred from the Clean Water to the Drinking Water SRF. The federal provision that allows the transfers between the two SRF programs terminated on September 30, 2001. Proposed legislation may reinstate that provision. Future transfers may be considered at that time.

The table below shows the amount of transferred funds that could be available for each Capitalization Grant, if allowed again in the future.

FFY	CAPITALIZATION GRANT	MAX. POTENTIAL TRANSFER AMOUNT
1997	$14,826,200	$4,892,646
1998	7,121,300	2,350,029
1999	7,463,800	2,463,054
2000	7,757,000	2,559,810
2001	7,789,100	2,570,403
2002	8,052,500	2,657,325
2003	8,004,100	2,641,353

No negative impacts are expected to either SRF program in the short or long term. The source of transfer funds shall consist of capitalization grants, state match, loan repayments, and other program funds as determined appropriate by DEQ and DNRC. These transfers to date were necessary due to the excessive demand for financing of drinking water infrastructure improvements throughout the state. Should a similar situation occur in future years with wastewater infrastructure, funds will be transferred from the Drinking Water SRF back to the Clean Water SRF to finance those improvements.

To date, funds transferred from the WPCSRF Program have consisted of only loan repayments.

SET-ASIDES

The Drinking Water State Revolving Fund also is charged with funding certain provisions of the federal Safe Drinking Water Act, through the use of "set-aside" accounts. States are given flexibility to set aside specified amounts of the federal drinking water capitalization grant for specific purposes outlined in federal law; also outlined in state law in MCA 75-6-201, et seq. These set-asides each have different

purposes and conditions, and some are mandatory. Montana is continuing to fund the following set-asides, each of which is described in more detail in the following sections:

- administration
- technical assistance for small communities
- capacity development
- operator certification
- public water supply programs
- source water assessment -- program implementation and field data collection
- source water assessment -- delineation and assessment (activity ongoing but w/ no additional set-aside funds.)

ADMINISTRATION

The DEQ will set aside four percent of the FY 03 capitalization grant, or $320,164, for program administration. This will cover continued development of the program and the intended use plan, review of water system facilities plans, review of construction and bid documents, assistance and oversight during planning, design and construction, loan origination work, administering repayments, preparation of bond issuance, and costs associated with the advisory committee and the public comment process. This set-aside also will continue to fund one loan management position at DNRC, four engineering positions at DEQ, and one administrative support position at DEQ. These costs and new personnel were approved by the 1997 Montana Legislature.

Any funds that are set-aside for administration but not actually spent will be "banked;" i.e., they will be placed in an account and used for administration in future years, after federal capitalization grants are no longer available and the program must rely solely on revolving funds. Spending such funds is subject to approval of the Montana Legislature, although federal and bond restrictions will limit use of these funds to purposes related to this program.

TECHNICAL ASSISTANCE FOR SMALL COMMUNITIES

This provision allows states to provide technical assistance to public water systems serving populations of 10,000 or less. The Drinking Water SRF program will provide outreach to small public water supply systems through an integrated approach designed to reach: (1) communities whose systems have chronic violations that threaten public health, and (2) communities requesting help to correct operation and maintenance problems or to develop needed water system improvement projects.

Efforts focus on providing operation and maintenance (O&M) technical assistance to a large number of small systems throughout Montana. Services include help with source water problems, and systems for the treatment, pumping, storage, and distribution of safe drinking water. Technical assistance, including hands-on work as well as on-site training, can often correct difficulties and provide lasting benefits. Public health protection is enhanced through operator training and assistance and by providing immediate solutions to water system O&M problems. To augment long-term compliance and the continued delivery of safe drinking water, operators are given written information, including who can be contacted for help with specific issues. In addition, written reports provide documentation and follow-up of the technical assistance effort to the water system operators, owners, and DEQ.

DEQ has contracted these services to a technical assistance provider within the state. Expenditures from this set-aside cover contractor salaries, travel expenses and costs related to reporting and follow-up activities, and DEQ contract administration and other small system technical assistance. The current contract was awarded to Midwest Assistance Program to provide these services in June, 1999. By June 30, 2003, approximately 550 site visits will have been conducted at a total cost of approximately $527,000. Contract activities for state fiscal year 2004 will be funded with $125,000 set-aside from the federal fiscal year 2003 capitalization grant to fund technical assistance. Furthermore, funds have been reserved from the FFY2000 and FFY 2001 capitalization grants for this set-aside. However, reserved funds will actually be used to finance projects in the interim until they are needed for set-aside activities at a future date.

To determine the value and effectiveness of this set-aside, DEQ evaluates the program on a yearly basis. Evaluations are based on the contractor's written reports mentioned above and on a survey of water system personnel who have received technical assistance. These evaluations are used to identify positive results, or problems with the program, and to consider opportunities for improvement. The contract has been renewed annually and, to date, only minor changes have been necessary. Any significant changes would be discussed in future intended use plans.

CAPACITY DEVELOPMENT

The 1996 Amendments to the Safe Drinking Water Act allow states to use SRF funds to establish authority to enforce capacity requirements and to implement a capacity development strategy. The purpose of this effort is to ensure that all new and existing community and non-transient non-community public water supply systems have the necessary technical, financial and managerial capability to comply with all of the primary requirements of the SDWA. EPA also requires that systems demonstrate adequate capability in these areas as a condition of approval for Drinking Water SRF loans.

The State could have lost substantial portions of successive capitalization grants if it did not develop and implement strategies to assist existing water systems with capacity development. The portions of the grants that could have been lost were 10 percent in FY 2001, 15 percent in FY 2002, and 20 percent of each subsequent year's funds. DEQ submitted its strategies to EPA in August 2000 in order to meet the October 1, 2000 deadline to avoid the withholding provisions. These strategies were then subsequently approved by EPA on October 10, 2000.

The strategies are a methodology used to identify and prioritize public water systems in need of improving technical, financial, and managerial capacity. (A complete copy of the capacity development strategies can be obtained from DEQ.) A part of these strategies include providing assistance to those systems by use of the set-aside funding. The state of Montana has over 1900 public water supplies. Given the large number of systems and a shortage of staff with the requisite financial and managerial experience, MDEQ has chosen to provide these services through a contractor. MDEQ entered into a contract with the Midwest Assistance Program (MAP) in March 2001 to provide these assistance services. Through SFY03, MAP has provided in-depth financial and managerial services to approximately 66 public water systems at a total cost of approximately $122,800. MDEQ is reserving $50,000 in authority from the FFY 2003 capitalization grant for continuing this activity. However, the funds will actually be used to finance infrastructure projects in the interim until they are needed for set-aside activities at a future date.

The format for financial and managerial assistance begins with telephone or written contact with the selected water system followed by one or more on-site visits to evaluate the financial and managerial status of the system. Following the site visits, a written report prepared and mailed to the system owner or manager, summarizing the observations and recommendations discussed during the evaluation. A copy of any written correspondence is also forwarded to MDEQ.

OPERATOR CERTIFICATION

The operator certification request is for $90,000 from the FFY 2003 capitalization grant. These dollars will be used to fund a portion of the salaries, benefits and operating expenses for three existing full time employees in implementation of the operator certification requirements of the 1996 amendments to the SDWA. Additionally, the funds will be used to update exams for water supply and water distribution operators. The program has already implemented most of the new EPA requirements, and EPA has approved the program. The work plans will be very similar to those previously approved by EPA. Program activities include, for both water and wastewater system operators, the examination application and testing process, certification for operator-in-training and fully certified operators, continuing education training and tracking, certification renewal, program review, compliance and enforcement tracking, and holding and attending stakeholder and peer review meetings.

PUBLIC WATER SUPPLY PROGRAM (PWSP)

The supervision set-aside request is for $395,000 from the FFY 2003 capitalization grant. This set-aside will fund salaries, benefits and operating expenses for five and one-half (5.5) water quality specialists. Two of these specialists have been hired and assigned to the Billings and Kalispell Regional Offices, respectively. Four additional positions were submitted to the Governor's Office as part of DEQ's 2003 Legislative proposal and were approved. These positions will provide direct assistance to water suppliers in implementation of the Lead and Copper Rule, the Phase 2/5 rules, the Total Coliform Rule, the Consumer Confidence Report Rule, the Enhanced Surface Water Treatment Rules, the Filter Backwash Rule, the Disinfection/Disinfection By-Products Rule, the Groundwater Rule, the Radionuclides Rule, and the Radon Rule. The set-aside will also fund database development expenses associated with implementation of SDWIS/state. The work plan will be similar to the work plan approved for the 2001 supervision set-aside except for the increased amount.

SOURCE WATER ASSESSMENT PROGRAM ADMINISTRATION AND TECHNICAL ASSISTANCE

Section 1452(g)(2)(B) of the SDWA allows Montana to set aside a portion of the capitalization grant to "administer or provide technical assistance through source water assessment programs." Set-aside funds in the amount of $100,000 from previous grants are being used in SFY 03 to administer the Source Water Protection Program and to provide technical assistance to local communities in the development of source water protection plans. An additional $100,000 will be set aside from the FFY 03 grant for this activity as well. The source water delineation and assessment reports described in the next section are the basis upon which local source water protection plans are developed. This set-aside helps provide the assistance needed to utilize those technical reports.

The specific goals are to:

- Maintain and enhance public accessibility to spatial data essential to the local development of source water protection plans,
- provide training to PWS operators, managers, and local officials in using source water delineation and assessment reports to develop local source water protection plans,
- develop and publish educational materials and provide outreach to communities on source water protection,
- provide technical assistance to local communities in development of public access to source water protection plans, and,
- provide technical support to non-profit technical assistance providers relating to source water protection plan development.

WELLHEAD PROTECTION PROGRAM

Section 1428 of the 1996 Amendments to the federal Safe Drinking Water Act (SDWA) requires primacy states to implement a program "*to protect wellhead areas within their jurisdiction from contaminants which may have any adverse effects on the health of persons"*. EPA formally approved the Montana Wellhead Protection Program in October 1994 and approved the amended program in November 1999. The combined program was renamed the Montana Source Water Protection Program.

To avoid duplication and to encourage efficiency the program uses all reasonably available hydrogeologic information such as data generated by public water system vulnerability assessments, sanitary surveys, routine monitoring, or assessments completed as part of a watershed initiative. Emphasis is placed on the use of a geographic information system to ensure the opportunity to use program collected or compiled information within DEQ and other state or federal agencies. Output products of the program include maps showing delineated source water protection areas with an inventory of potential contaminants, susceptibility assessments, and guidance to PWSs in the development of protection plans. Student interns are used to assist in the data development and in completing source water assessments.

Montana has approximately 2029 public water systems classified as a community, non-transient, or transient. Water from the 827 community and non-transient systems generates greater public health exposure to potential contaminants than does water from transient systems. Therefore, DEQ utilizes a program that prioritizes implementation based on public water system classification, size, and apparent risk based on source water characteristics.

DEQ implements the program using data from local, city, state, and federal governments using agency staff as well as contracting out additional work where necessary. Montana DEQ will complete all surface water based PWS source water assessments by March 31, 2003 and will transfer the remaining balance to support implementation of the Wellhead Protection Program (Source Water Protection Program) pursuant to Section 1452(k)(1)(D). The transferred amount to be used in the last three months of SFY03 and in SFY04 is estimated to be $450,000.

Montana enhances the utility of the assessments to the local community by: 1) making environmental data available to stakeholders outside DEQ; 2) including recommended management options or protection measures for specific potential contaminants in each report to facilitate local source water protection planning; 3) incorporating a monitoring waiver recommendation into each assessment report to help local

communities apply for monitoring relief, where appropriate; and, 4) by describing aquifer sensitivity in each community water system report to facilitate implementation of the impending Ground Water Rule.

Montana DEQ utilizes a watershed approach when implementing SWAP by dividing the state into the four main drainage basins in a manner developed and designed to fit with our TMDL program. A SWP Watershed Work-plan has been developed for each of the four main watersheds. The work-plans include timetables that target full implementation by the end of State Fiscal Year 2006 (Jun/06).

SUBSIDIES TO DISADVANTAGED COMMUNITIES

Communities seeking a Drinking Water SRF loan that meet the disadvantaged community criterion listed below may receive an additional subsidy on their SRF loans, beyond the standard below-market rate financing. This includes communities that will meet the disadvantaged criterion based on projected rates as a result of the project.

A community is considered economically disadvantaged when its combined annual water and wastewater system rates are greater than or equal to 2.2 percent of the community's Median Household Income (MHI). If the community has only a water system, the percentage is 1.4 percent of the community's MHI. These percentages are consistent with affordability requirements for other state funding agencies in Montana. The water and sewer rates used for this calculation include new and existing debt service and required coverage, new and existing operation and maintenance charges, and normal depreciation and replacement expenses.

To assist these economically disadvantaged communities, the Drinking Water SRF loan program will provide to qualifying communities a partial waiver of the loan loss reserve fee, which will result in an annual 1.0 percent interest rate reduction on the first $500,000 of loan principal. The regular interest rate will apply to the balance of the loan. The total amount of reduced interest rate loans that the Drinking Water SRF may make under any single capitalization grant will be limited to 20 percent of that capitalization grant. This measure is taken to ensure that the corpus of the Drinking Water SRF fund will be maintained and thus that the program will be able to operate in perpetuity, while still providing some additional assistance to economically disadvantaged communities. Qualifying disadvantaged communities also are eligible for extended loan terms of up to 30 years provided the loan term does not exceed the design life of the project.

APPENDIX 2: RANKING CRITERIA FOR DRINKING WATER SRF PRIORITY LIST

1. Documented health risks

a. Acute health risks - 120 points max.

Fecal coliform or other pathogens - two or more boil orders in any twelve-month period. Risk must be documented as a reoccurring and unresolved problem that appears to be **beyond the direct control** of the water supplier.

Surface Water Treatment Rule (SWTR) treatment technique violation - source must have been developed as an unfiltered supply, an inadequately filtered supply, Ground Water Under the Influence of Surface Water, and/or without adequate contact time **prior to the development of EPA** SWTR regulations that would have mandated improved treatment.

Chemical contaminants (other than nitrate or nitrite) - risk must be documented as reoccurring and unresolved problem confirmed through quarterly sampling (or as determined by DEQ) that appears to be **beyond the direct control** of the water supplier. Contaminants must be present at levels exceeding Unreasonable Risk to Health (URTH) levels.

Nitrate or nitrite Maximum Contaminant Level (MCL) violations - MCL violation must be confirmed through routine and check sampling as required by DEQ.

<u>Guidance for ranking:</u> For unfiltered surface water, use 70 percent of max. Points in this category unless there have also been documented problems with turbidity, fecal contamination or disease outbreaks. Award an additional 10 percent of max points for each of the following: boil order resulting from a turbidity violation, fecal MCL violation, documented disease outbreak. If disease outbreak has been documented, award maximum points.

For filtered surface water systems, a CT violation without boil orders or fecal MCL violations, etc. , should receive 50 percent of maximum points under this category. Award additional points for the additional violations.

Example: an unfiltered surface water system has had turbidity violations resulting in a boil order, as well as a fecal MCL violation. There have been no documented disease outbreaks. The system would get 70% + 10% + 10% = 90% of max points in this category.

b. Non-acute health risks - 60 points max.

(Non-fecal) coliform bacteria - two or more Total Coliform Rule (TCR) (non-acute) MCL Significant Non-Compliances (SNCs) automatically qualify if the problem is documented as a regularly reoccurring and unresolved problem that is **beyond the direct control** of the water supplier.

Man-made chemical contaminants - problem must be documented as a reoccurring and unresolved problem that is **beyond the direct control** of the water supplier. Contaminants must be present at levels that are above the PQL, and less than the URTH level. Contaminants must be detected at least twice during quarterly monitoring in any twelve month period. MCL violations may or may not occur.

Natural chemical contaminants - problem must be documented as a reoccurring and unresolved problem through quarterly sampling (or as otherwise determined by DEQ) that is **beyond the direct control** of the water supplier. Contaminant levels must be confirmed as an MCL violation, but the averaged value of the violation must be less than the URTH level.

Guidance for Ranking: Start with 50 percent of maximum points in this category for lead and copper or other chemical violations and go up or down in 10 percent increments depending on the severity of the problem.

2. Proactive compliance measures - 50 points max.

Improvements in infrastructure, management or operations of a public water system that are proactive measures to remain in compliance with current regulatory requirements, to ensure compliance with future requirements, or to prevent future, potential SDWA violations.

Guidance for ranking: If a system is reacting to an existing documented health violation under category 1a or 1b, it should receive no points under this category. Emphasis should be toward a deliberate proactive approach to potential health problems. A system with points awarded in this category typically will currently be in compliance with most or all SDWA regulations.

3. Potential health risks

a. Microbiological health risks - 25 points max.

Occasional but reoccurring detects of coliform bacteria resulting in one or less TCR (non-acute) MCL violation in any twelve month period.

Reoccurring and unresolved problems with non-coliform growth that are beyond the direct control of the water supplier, and result in inconclusive coliform bacteria analyses.

Water distribution pressures that routinely fall below 35 psi at ground level in the mains, or 20 psi at ground level in customers' plumbing systems. Problems must be the result of circumstances beyond the direct control of the water supplier.

b. Nitrate or nitrite detects - 25 points

Occasional but reoccurring detects of nitrate or nitrite at levels above the MCL that occur once or less in a twelve month period. MCL violations are not confirmed by check sampling.

c. Chemical contaminant health risks - 20 points max.

Occasional but reoccurring detects of man-made chemical contaminants that occur once or less in any twelve month period. Levels must be above the PQL, but below the URTH level. MCL violations do not occur because of the presence of the contaminant is not adequately documented through check-sampling.

Occasional but reoccurring detects of natural chemical contaminants (other than nitrate or nitrite) at levels above the MCL that occur once or less in a twelve month period. MCL violations are not confirmed by check sampling.

<u>Guidance for ranking:</u> No additional points should be given in this category for contaminants already addressed in categories 1 or 2. However, if a project scope includes remedies for different types of violations, it should receive points in each of the applicable categories.

4. Construction of a regional public water supply that would serve two or more existing public water supplies - 30 points.

Regionalization would increase the technical, managerial and/or financial capacity of the overall system, would result in some improvement to public health, or bring a public water system into compliance with the SDWA.

5. Affordability (Only one applicable - maximum 20 points)

Expected average household combined water and sewer user rates, including debt retirement and O&M are:

greater than 3.5% of MHI - 20 pts
between 2.5% and 3.5% (inclusive) of MHI - 15 pts
between 1.0% and 2.5% (inclusive) of MHI - 10 pts
1.0% or less of MHI - 5 pts

Drinking Water SRF Priority List Bypass procedures.

If it is determined by DEQ that a project or projects are not ready to proceed or that the project sponsors have chosen not to use the Drinking Water SRF funds, other projects may be funded in an order different from that indicated on the priority list. If DEQ chooses to bypass higher ranked projects, it should follow the bypass procedure.

The bypass procedure is as follows:

1. DEQ shall notify, in writing, all projects which are ranked higher than the proposed project on the Drinking Water SRF priority list, unless it is known that a higher project will not be using Drinking Water SRF funds.
2. The notified water systems shall have 15 calendar days to respond in writing with any objections they may have to the funding of the lower ranked project.

3. DEQ shall address, within a reasonable time period, any objections received.

Emergency bypass procedures.

If DEQ determines that immediate attention to an unanticipated failure is required to protect public health, a project may be funded with Drinking Water SRF funds whether or not the project is on the Drinking Water SRF priority list. DEQ will not be required to solicit comments from other projects on the priority list regarding the emergency funding.